

Senate File 2411 - Reprinted

SENATE FILE 2411
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2378)
(SUCCESSOR TO SSB 3164)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to open records and public meetings and providing
2 an effective date and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 SF 2411.S
5 rh/ml/12

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1 1 Section 1. Section 8A.341, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. If money is appropriated for this purpose, by November
1 4 1 of each year supply a report which contains the name,
1 5 gender, county, or city of residence when possible, official
1 6 title, salary received during the previous fiscal year, base
1 7 salary as computed on July 1 of the current fiscal year, and
1 8 traveling and subsistence expense of the personnel of each of
1 9 the departments, boards, and commissions of the state
1 10 government except personnel who receive an annual salary of
1 11 less than one thousand dollars. The number of the personnel
1 12 and the total amount received by them shall be shown for each
1 13 department in the report. All employees who have drawn
1 14 salaries, fees, or expense allowances from more than one
1 15 department or subdivision shall be listed separately under the
1 16 proper departmental heading. On the request of the director,
1 17 the head of each department, board, or commission shall
1 18 furnish the data covering that agency. The report shall be
1 19 distributed upon request without charge in an electronic
1 20 medium to each caucus of the general assembly, the legislative
1 21 services agency, the chief clerk of the house of
1 22 representatives, and the secretary of the senate. Copies of
1 23 the report shall be made available to other persons in an
1 24 electronic medium upon payment of a fee, which shall not
1 25 exceed the cost of providing the copy of the report. Sections
1 26 22.2 through ~~22.6~~ 22.5 apply to the report. All funds from
1 27 the sale of the report shall be deposited in the printing
1 28 revolving fund established in section 8A.345.

1 29 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph
1 30 1, Code 2007, is amended to read as follows:

1 31 The department and each agency shall provide for the widest
1 32 possible dissemination of information between agencies and the
1 33 public relating to the enterprise strategic plan and agency
1 34 strategic plans, including but not limited to internet access.
1 35 This section does not require the department or an agency to
2 1 release information which is classified as a confidential
2 2 record under this Code, ~~including but not limited to section~~
2 3 ~~22.7.~~

2 4 Sec. 3. Section 8E.202, subsection 3, Code 2007, is
2 5 amended to read as follows:

2 6 3. A record which is confidential under this Code,
2 7 ~~including but not limited to section 22.7,~~ shall not be
2 8 released to the public under this section.

2 9 Sec. 4. Section 10B.5, subsection 2, Code 2007, is amended
2 10 to read as follows:

2 11 2. Information provided in reports required in this
2 12 chapter is ~~a confidential~~ an optional public record as
2 13 provided in section 22.7. The attorney general may have
2 14 access to the reports, and may use information in the reports
2 15 in any action to enforce state law, including but not limited
2 16 to chapters 9H, 9I, and 10C. The reports shall be made
2 17 available to members of the general assembly and appropriate

2 18 committees of the general assembly in order to determine the
2 19 extent that agricultural land is held in this state by
2 20 corporations and other business and foreign entities and the
2 21 effect of such land ownership upon the economy of this state.
2 22 The secretary of state shall assist any committee of the
2 23 general assembly studying these issues.

2 24 Sec. 5. Section 21.2, subsection 1, Code 2007, is amended
2 25 by adding the following new paragraph:

2 26 NEW PARAGRAPH. i. An entity eligible to exercise
2 27 tax-exempt bonding authority under chapter 7C, including a
2 28 nonprofit tax-exempt bonding authority under chapter 7C
2 29 designated by the state to serve as a secondary market for
2 30 student loans and a nonprofit tax-exempt bonding authority
2 31 under chapter 7C whose board of directors is appointed by the
2 32 governor.

2 33 Sec. 6. Section 21.2, subsection 2, Code 2007, is amended
2 34 to read as follows:

2 35 2. a. "Meeting" means a gathering in person or by
3 1 electronic means, formal or informal, of a majority of the
3 2 members of a governmental body where there is deliberation or
3 3 action upon any matter within the scope of the governmental
3 4 body's policy-making duties. A "meeting" includes the
3 5 calculated use of a series of communications, each between
3 6 less than a majority of the members of a governmental body or
3 7 their personal intermediaries, that is intended to reach and
3 8 does in fact reach a majority of the members of the
3 9 governmental body and that is intended to discuss and develop
3 10 a collective final decision of a majority outside of a meeting
3 11 with respect to specific action to be taken by the majority at
3 12 a meeting.

3 13 b. Meetings shall. A "meeting" does not include any of the
3 14 following:

3 15 (1) A gathering of members of a governmental body for
3 16 purely ministerial or social purposes when there is no
3 17 discussion of policy or no intent to avoid the purposes of
3 18 this chapter.

3 19 (2) Written electronic communications by one or more
3 20 members of a governmental body or by its chief executive
3 21 officer that are ordinarily preserved and are accessible and
3 22 that are sent to a majority of the members of the governmental
3 23 body, or a series of such written electronic communications
3 24 each sent only to a minority of the members of the
3 25 governmental body but that in the aggregate are sent to a
3 26 majority of its members that do both of the following:

3 27 (a) Concern a particular matter within the scope of the
3 28 governmental body's policy-making duties.

3 29 (b) Would otherwise constitute a meeting.

3 30 However, this exclusion only applies if the written
3 31 electronic communications, to the extent such communications
3 32 are not exempt from disclosure pursuant to section 22.7 or
3 33 another statute, are either posted on the governmental body's
3 34 internet site or public bulletin board at least twenty-four
3 35 hours prior to the next regular meeting or copies are made
4 1 available for public inspection at least twenty-four hours
4 2 prior to the governmental body's next regular meeting. If a
4 3 special meeting is held on the subject matter of the
4 4 communications before the next regular meeting, the
4 5 communications shall be posted at least twenty-four hours
4 6 prior to the special meeting or made available for public
4 7 inspection at least twenty-four hours prior to that meeting.

4 8 Sec. 7. Section 21.4, subsections 1 and 3, Code 2007, are
4 9 amended to read as follows:

4 10 1. Except as provided in subsection 3, a governmental
4 11 body, except township trustees, shall give notice of the time,
4 12 date, and place of each meeting including a reconvened meeting
4 13 of the governmental body, and its tentative agenda of the
4 14 meeting, in a manner reasonably calculated to apprise the
4 15 public of that information. Reasonable notice shall include
4 16 advising the news media who have filed a request for notice
4 17 with the governmental body and posting the notice on a
4 18 bulletin board or other prominent place which is easily
4 19 accessible to the public and clearly designated for that
4 20 purpose at the principal office of the body holding the
4 21 meeting, or if no such office exists, at the building in which
4 22 the meeting is to be held.

4 23 3. Subsection 1 does not apply to any of the following:

4 24 a. A meeting reconvened within four hours of the start of
4 25 its recess, where an announcement of the time, date, and place
4 26 of the reconvened meeting is made at the original meeting in
4 27 open session and recorded in the minutes of the meeting and
4 28 there is no change in the agenda.

4 29 b. A meeting held by a formally constituted subunit of a
4 30 parent governmental body ~~may conduct a meeting without notice~~
4 31 ~~as required by this section during a lawful meeting of the~~
4 32 parent governmental body, or during a recess in that meeting
4 33 of up to four hours, or a meeting of that subunit immediately
4 34 following that the meeting of the parent governmental body, if
4 35 the meeting of the that subunit is publicly announced in open
5 1 session at the parent meeting and the subject of the meeting
5 2 reasonably coincides with the subjects discussed or acted upon
5 3 by the parent governmental body.

5 4 Sec. 8. Section 21.5, subsection 1, paragraphs j and k,
5 5 Code Supplement 2007, are amended to read as follows:

5 6 j. To discuss the purchase of particular real estate only
5 7 where premature disclosure could be reasonably expected to
5 8 increase the price the governmental body would have to pay for
5 9 that property. The minutes and the ~~tape audio~~ recording of a
5 10 session closed under this paragraph shall be available for
5 11 public examination when the transaction discussed is
5 12 completed.

5 13 k. To discuss information contained in records in the
5 14 custody of a governmental body that are ~~confidential~~ optional
5 15 public records pursuant to section 22.7, subsection 50.

5 16 Sec. 9. Section 21.5, subsection 1, Code Supplement 2007,
5 17 is amended by adding the following new paragraph:

5 18 NEW PARAGRAPH. 1. To discuss patient care quality and
5 19 process improvement initiatives in a meeting of a public
5 20 hospital or to discuss marketing and pricing strategies or
5 21 similar proprietary information in a meeting of a public
5 22 hospital, where public disclosure of such information would
5 23 harm such a hospital's competitive position when no public
5 24 purpose would be served by public disclosure. The minutes and
5 25 the audio recording of a closed session under this paragraph
5 26 shall be available for public inspection when the public
5 27 disclosure would no longer harm the hospital's competitive
5 28 position. For purposes of this paragraph, "public hospital"
5 29 means the same as defined in section 249J.3.

5 30 Sec. 10. Section 21.5, subsection 4, Code Supplement 2007,
5 31 is amended to read as follows:

5 32 4. A governmental body shall keep detailed minutes of all
5 33 discussion, persons present, and action occurring at a closed
5 34 session, and shall also ~~tape audio~~ record all of the closed
5 35 session. The detailed minutes and ~~tape audio~~ recording of a
6 1 closed session shall be sealed and shall not be public records
6 2 open to public inspection. However, upon order of the court
6 3 in an action to enforce this chapter, the detailed minutes and
6 4 ~~tape audio~~ recording shall be unsealed and examined by the
6 5 court in camera. The court shall then determine what part, if
6 6 any, of the minutes should be disclosed to the party seeking
6 7 enforcement of this chapter for use in that enforcement
6 8 proceeding. In determining whether any portion of the minutes
6 9 or recording shall be disclosed to such a party for this
6 10 purpose, the court shall weigh the prejudicial effects to the
6 11 public interest of the disclosure of any portion of the
6 12 minutes or recording in question, against its probative value
6 13 as evidence in an enforcement proceeding. After such a
6 14 determination, the court may permit inspection and use of all
6 15 or portions of the detailed minutes and ~~tape audio~~ recording
6 16 by the party seeking enforcement of this chapter. A
6 17 governmental body shall keep the detailed minutes and ~~tape~~
6 18 audio recording of any closed session for a period of at least
6 19 one year from the date of that meeting, except as otherwise
6 20 required by law.

6 21 Sec. 11. Section 21.6, subsection 3, paragraph a, Code
6 22 2007, is amended to read as follows:

6 23 a. Shall assess each member of the governmental body who
6 24 participated in its violation damages in the amount of not
6 25 more than five hundred dollars ~~nor and not less than one~~
6 26 ~~hundred dollars.~~ However, if a member of a governmental body
6 27 knowingly participated in such a violation, damages shall be
6 28 in the amount of not more than two thousand five hundred
6 29 dollars and not less than one thousand dollars. These damages
6 30 shall be paid by the court imposing it to the state of Iowa,
6 31 if the body in question is a state governmental body, or to
6 32 the local government involved if the body in question is a
6 33 local governmental body. A member of a governmental body
6 34 found to have violated this chapter shall not be assessed such
6 35 damages if that member proves that the member did any of the

7 1 following:

7 2 (1) Voted against the closed session.

7 3 (2) Had good reason to believe and in good faith believed
7 4 facts which, if true, would have indicated compliance with all

7 5 the requirements of this chapter.

7 6 (3) Reasonably relied upon a decision of a court, ~~or a~~
7 7 formal opinion of the Iowa public information board, the
7 8 attorney general, ~~or the attorney for the governmental body,~~
7 9 given in writing, or as memorialized in the minutes of the
7 10 meeting at which a formal oral opinion was given, or an
7 11 advisory opinion of the Iowa public information board, the
7 12 attorney general, or the attorney for the governmental body,
7 13 given in writing.

7 14 Sec. 12. Section 21.6, subsection 3, paragraph d, Code
7 15 2007, is amended to read as follows:

7 16 d. Shall issue an order removing a member of a
7 17 governmental body from office if that member has engaged in a
7 18 prior violation of this chapter for which damages were
7 19 assessed against the member during the member's term. In
7 20 making this determination, the court shall recognize
7 21 violations for which damages were assessed by the Iowa public
7 22 information board created in section 23.3.

7 23 Sec. 13. NEW SECTION. 22.0A PURPOSE.

7 24 The purpose of this chapter is to provide as much
7 25 transparency in government operations as possible consistent
7 26 with the need to avoid undue invasions of personal privacy and
7 27 the need to avoid significant interference with the
7 28 achievement of other important and legitimate state
7 29 objectives.

7 30 Sec. 14. Section 22.1, Code 2007, is amended to read as
7 31 follows:

7 32 22.1 DEFINITIONS.

7 33 1. "Confidential record" means a government record
7 34 designated by statute as unavailable for examination and
7 35 copying by members of the public.

8 1 ~~1. 2. The term "government body" means this~~
8 2 ~~state, or any county, city, township, school corporation,~~
8 3 ~~political subdivision, tax-supported district, nonprofit~~
8 4 ~~corporation other than a fair conducting a fair event as~~
8 5 ~~provided in chapter 174, whose facilities or indebtedness are~~
8 6 ~~supported in whole or in part with property tax revenue and~~
8 7 ~~which is licensed to conduct pari-mutuel wagering pursuant to~~
8 8 ~~chapter 99D, an entity eligible to exercise tax-exempt bonding~~
8 9 ~~authority under chapter 7C, including a nonprofit tax-exempt~~
8 10 ~~bonding authority under chapter 7C designated by the state to~~
8 11 ~~serve as a secondary market for student loans and a nonprofit~~
8 12 ~~tax-exempt bonding authority under chapter 7C whose board of~~
8 13 ~~directors is appointed by the governor, or other entity of~~
8 14 ~~this state, or any branch, department, board, bureau,~~
8 15 ~~commission, council, committee, official, or officer of any of~~
8 16 ~~the foregoing or any employee delegated the responsibility for~~
8 17 ~~implementing the requirements of this chapter.~~

8 18 3. "Government record" means a record owned by, created
8 19 by, in the possession of, or under the control of, any unit,
8 20 division, or part of state or local government or the
8 21 officials or employees of such public bodies in the course of
8 22 the performance of their respective duties.

8 23 ~~2. 4. The term "lawful Lawful custodian" means the~~
8 24 ~~government body currently in physical possession of the public~~
8 25 ~~government record. The custodian of a public government~~
8 26 ~~record in the physical possession of persons outside a~~
8 27 ~~government body is the government body owning that government~~
8 28 ~~record. The government records relating to the investment of~~
8 29 ~~public funds are the property of the public body responsible~~
8 30 ~~for the public funds. Each government body shall delegate to~~
8 31 ~~particular officials or employees of that government body the~~
8 32 ~~responsibility for implementing the requirements of this~~
8 33 ~~chapter and shall publicly announce the particular officials~~
8 34 ~~or employees to whom responsibility for implementing the~~
8 35 ~~requirements of this chapter has been delegated. "Lawful~~
9 1 ~~custodian" does not mean an automated data processing unit of~~
9 2 ~~a public body if the data processing unit holds the government~~
9 3 ~~records solely as the agent of another public body, nor does~~
9 4 ~~it mean a unit which holds the government records of other~~
9 5 ~~public bodies solely for storage.~~

9 6 3. ~~As used in this chapter, "public records" includes all~~
9 7 ~~records, documents, tape, or other information, stored or~~
9 8 ~~preserved in any medium, of or belonging to this state or any~~
9 9 ~~county, city, township, school corporation, political~~
9 10 ~~subdivision, nonprofit corporation other than a fair~~
9 11 ~~conducting a fair event as provided in chapter 174, whose~~
9 12 ~~facilities or indebtedness are supported in whole or in part~~
9 13 ~~with property tax revenue and which is licensed to conduct~~
9 14 ~~pari-mutuel wagering pursuant to chapter 99D, or tax-supported~~
9 15 ~~district in this state, or any branch, department, board,~~

~~9 16 bureau, commission, council, or committee of any of the~~
~~9 17 foregoing.~~
~~9 18 "Public records" also includes all records relating to the~~
~~9 19 investment of public funds including but not limited to~~
~~9 20 investment policies, instructions, trading orders, or~~
~~9 21 contracts, whether in the custody of the public body~~
~~9 22 responsible for the public funds or a fiduciary or other third~~
~~9 23 party.~~

9 24 5. "Optional public record" means a government record
9 25 designated by statute as unavailable for examination and
9 26 copying by members of the public unless otherwise ordered by a
9 27 court, by the lawful custodian of the records, or by another
9 28 person duly authorized to release such information.

9 29 6. "Public record" means a government record to which
9 30 members of the public have an unqualified right to examine and
9 31 copy and includes a government record not designated by
9 32 statute as either a confidential record or an optional public
9 33 record.

9 34 7. "Record" means information of every kind, nature, and
9 35 form preserved or stored in any medium including but not
10 1 limited to paper, electronic media, or film media.

10 2 Sec. 15. Section 22.2, subsection 2, Code 2007, is amended
10 3 to read as follows:

10 4 2. A government body shall not prevent the examination or
10 5 copying of a public record by contracting with a nongovernment
10 6 body to perform any of its duties or functions. A record
10 7 created by, in the possession of, or under the control of, any
10 8 nongovernment body or person, which is a direct part of the
10 9 execution or performance of duties imposed upon the
10 10 nongovernment body or person by contract with a government
10 11 body under which the nongovernment body or person performs a
10 12 function of the government body, is a government record. The
10 13 lawful custodian of such a government record is the government
10 14 body with whom the nongovernment body or person has executed
10 15 the contract.

10 16 Sec. 16. NEW SECTION. 22.2A RECORD REQUESTS == TIME
10 17 LIMITS.

10 18 1. Upon receipt of an oral or written request to examine
10 19 or copy a public record, the lawful custodian shall, if
10 20 feasible in the ordinary course of business, permit such
10 21 examination or copying at the time of the request. If it is
10 22 not feasible in the ordinary course of business to permit
10 23 examination or copying of the public record at the time of the
10 24 request, the lawful custodian shall immediately notify the
10 25 requester, orally or in writing, when such examination or
10 26 copying may take place, which shall be no later than five
10 27 business days from the time of the request unless there is
10 28 good cause for further delay. If further delay is necessary
10 29 because of good cause in responding to a request to examine or
10 30 copy a record the lawful custodian knows is a public record,
10 31 the lawful custodian shall provide the requester with a
10 32 written statement detailing the reason or reasons for the
10 33 delay and the date by which the request will be satisfied.

10 34 2. If the lawful custodian is in doubt as to whether the
11 1 record requested is a public record or whether the requester
11 2 should be permitted to examine or copy an optional public
11 3 record specified in section 22.7, the lawful custodian shall
11 4 make that determination within ten business days from the date
11 5 of the request unless further delay is necessary because of a
11 6 pending request by the lawful custodian to the Iowa public
11 7 information board for an opinion regarding the status of the
11 8 record requested, or other good cause, which is communicated
11 9 in writing to the requester. Examination or copying of the
11 10 government record shall be allowed within five business days
11 11 from the date the lawful custodian makes the decision in such
11 12 circumstances to permit examination or copying of the record
11 13 unless there is good cause for further delay in fulfilling the
11 14 request as provided in subsection 1.

11 15 3. If the lawful custodian denies a request to examine or
11 16 copy a public record, the custodian must provide the requester
11 17 at the time of the denial a written statement denying the
11 18 request and detailing the specific reason or reasons for the
11 19 denial.

11 20 4. If the lawful custodian does not fulfill a request to
11 21 examine or copy a public record within the times prescribed in
11 22 this section, the request shall be deemed denied and the
11 23 requester shall be entitled to file a complaint with the Iowa
11 24 public information board pursuant to section 23.7 or file a
11 25 lawsuit against the lawful custodian pursuant to section
11 26 22.10.

11 26 Sec. 17. Section 22.3, subsection 2, Code 2007, is amended

11 27 to read as follows:

11 28 2. All expenses of the examination and copying shall be
11 29 paid by the person desiring to examine or copy. The lawful
11 30 custodian may charge a reasonable fee for the services of the
11 31 lawful custodian or the custodian's authorized designee in
11 32 supervising the examination and copying of the records or in
11 33 reviewing the records for optional public record information
11 34 or for confidential record information prior to release. If
11 35 the lawful custodian is a state executive branch agency, the
12 1 lawful custodian shall provide such services at no charge to a
12 2 requester for up to three hours per month. If copy equipment
12 3 is available at the office of the lawful custodian of any
12 4 public records, the lawful custodian shall provide any person
12 5 a reasonable number of copies of any public record in the
12 6 custody of the office upon the payment of a fee. The fee for
12 7 the copying service as determined by the lawful custodian
12 8 shall not exceed the actual cost of providing the service.
12 9 Actual costs shall include only those expenses directly
12 10 attributable to supervising the examination of and making and
12 11 providing copies of public records. Actual costs shall not
12 12 include charges for ordinary expenses or costs such as
12 13 employment benefits, depreciation, maintenance, electricity,
12 14 or insurance associated with the administration of the office
12 15 of the lawful custodian.

12 16 Sec. 18. Section 22.4, Code 2007, is amended to read as
12 17 follows:

12 18 22.4 HOURS WHEN AVAILABLE.

12 19 The rights of persons under this chapter may be exercised
12 20 at any time during the customary office hours of the lawful
12 21 custodian of the government records. However, if the lawful
12 22 custodian does not have customary office hours of at least
12 23 thirty hours per week, such right may be exercised at any time
12 24 from nine o'clock a.m. to noon and from one o'clock p.m. to
12 25 four o'clock p.m. Monday through Friday, excluding legal
12 26 holidays, unless the person exercising such right and the
12 27 lawful custodian agree on a different time.

12 28 Sec. 19. Section 22.7, subsection 7, Code Supplement 2007,
12 29 is amended to read as follows:

12 30 7. Appraisals or appraisal information concerning the
12 31 purchase of real or personal property for public purposes,
12 32 prior to public announcement of a project the submission of
12 33 the appraisal to the property owner or other interest holders
12 34 as provided in section 6B.45.

12 35 Sec. 20. Section 22.7, subsection 10, Code Supplement
13 1 2007, is amended by striking the subsection.

13 2 Sec. 21. Section 22.7, subsection 11, Code Supplement
13 3 2007, is amended to read as follows:

13 4 11. a. Personal information in confidential personnel
13 5 records of public government bodies including but not limited
13 6 to cities, boards of supervisors and school districts relating
13 7 to identified or identifiable individuals who are officials,
13 8 officers, or employees of the government bodies. However, the
13 9 following information relating to such individuals contained
13 10 in personnel records shall be public records:

13 11 (1) The name and compensation of the individual including
13 12 any written agreement establishing compensation or any other
13 13 terms of employment excluding any information otherwise
13 14 excludable from public information pursuant to this section or
13 15 any other applicable provision of law. For purposes of this
13 16 paragraph, "compensation" means payment of, or agreement to
13 17 pay, any money, thing of value, or financial benefit conferred
13 18 in return for labor or services rendered by an officer,
13 19 employee, or other person plus the value of benefits including
13 20 but not limited to casualty, disability, life, or health
13 21 insurance, other health or wellness benefits, vacation,
13 22 holiday, and sick leave, severance payments, retirement
13 23 benefits, and deferred compensation.

13 24 (2) The date the individual was employed by the government
13 25 body.

13 26 (3) The positions the individual holds or has held with
13 27 the government body.

13 28 (4) The educational institutions attended by the
13 29 individual, including any diplomas and degrees earned, and the
13 30 names of the individual's previous employers, positions
13 31 previously held, and dates of previous employment.

13 32 (5) Any final disciplinary action taken against the
13 33 individual that resulted in the individual's discharge.
13 34 b. Personal information in confidential personnel records
13 35 of government bodies relating to student employees shall only
14 1 be released pursuant to 20 U.S.C. } 1232g.

14 2 Sec. 22. Section 22.7, subsection 18, Code Supplement

14 3 2007, is amended to read as follows:

14 4 18. a. Communications not required by law, rule,
14 5 procedure, or contract that are made to a government body or
14 6 to any of its employees by identified persons outside of
14 7 government, to the extent that the government body receiving
14 8 those communications from such persons outside of government
14 9 could reasonably believe that those persons would be
14 10 discouraged from making them to that government body if they
14 11 were available for general public examination. As used in
14 12 this subsection, "persons outside of government" does not
14 13 include persons or employees of persons who are communicating
14 14 with respect to a consulting or contractual relationship with
14 15 a government body or who are communicating with a government
14 16 body with whom an arrangement for compensation exists.
14 17 Notwithstanding this provision:

14 18 a. (1) The communication is a public record to the extent
14 19 that the person outside of government making that
14 20 communication consents to its treatment as a public record.

14 21 b. (2) Information contained in the communication is a
14 22 public record to the extent that it can be disclosed without
14 23 directly or indirectly indicating the identity of the person
14 24 outside of government making it or enabling others to
14 25 ascertain the identity of that person.

14 26 c. (3) Information contained in the communication is a
14 27 public record to the extent that it indicates the date, time,
14 28 specific location, and immediate facts and circumstances
14 29 surrounding the occurrence of a crime or other illegal act,
14 30 except to the extent that its disclosure would plainly and
14 31 seriously jeopardize a continuing investigation or pose a
14 32 clear and present danger to the safety of any person. In any
14 33 action challenging the failure of the lawful custodian to
14 34 disclose any particular information of the kind enumerated in
14 35 this paragraph, the burden of proof is on the lawful custodian
15 1 to demonstrate that the disclosure of that information would
15 2 jeopardize such an investigation or would pose such a clear
15 3 and present danger.

15 4 b. This subsection does not apply to information relating
15 5 to applications to a government body for employment.

15 6 Sec. 23. Section 22.7, subsections 40, 43, and 48, Code
15 7 Supplement 2007, are amended to read as follows:

15 8 40. The portion of a record request that contains an
15 9 internet protocol number ~~which identifies the computer from~~
~~15 10 which a person requests a record, whether the person using~~
~~15 11 such computer makes the request through the IowaAccess network~~
~~15 12 or directly to a lawful custodian. However, such record may~~
~~15 13 be released with the express written consent of the person~~
~~15 14 requesting the record.~~

15 15 43. Information obtained by the commissioner of insurance
15 16 pursuant to section 502.607, subsection 2.

15 17 48. Sex offender registry records under chapter 692A-
~~15 18 except shall only be released as provided in section 692A.13.~~

15 19 Sec. 24. Section 22.7, subsection 52, paragraphs a and c,
15 20 Code Supplement 2007, are amended to read as follows:

15 21 a. The following records relating to a charitable donation
~~15 22 made to a foundation acting solely for the support of an~~
~~15 23 institution governed by the state board of regents, to a~~
~~15 24 foundation acting solely for the support of an institution~~
~~15 25 governed by chapter 260C, to a private foundation as defined~~
~~15 26 in section 509 of the Internal Revenue Code organized for the~~
~~15 27 support of a government body, or to an endow Iowa qualified~~
~~15 28 community foundation, as defined in section 15E.303, organized~~
~~15 29 for the support of a government body:~~

15 30 (1) Portions of records that disclose a donor's or
15 31 prospective donor's personal, financial, estate planning, or
15 32 gift planning matters.

15 33 (2) Records received from a donor or prospective donor
15 34 regarding such donor's prospective gift or pledge.

15 35 (3) Records containing information about a donor or a
16 1 prospective donor in regard to the appropriateness of the
16 2 solicitation and dollar amount of the gift or pledge.

16 3 (4) Portions of records that identify a prospective donor
16 4 and that provide information on the appropriateness of the
16 5 solicitation, the form of the gift or dollar amount requested
16 6 by the solicitor, and the name of the solicitor.

16 7 (5) Portions of records disclosing the identity of a donor
16 8 or prospective donor, including the specific form of gift or
16 9 pledge that could identify a donor or prospective donor,
16 10 directly or indirectly, when such donor has requested
16 11 anonymity in connection with the gift or pledge. This
16 12 subparagraph does not apply to a gift or pledge from a
16 13 publicly held business corporation.

16 14 c. Except as provided in paragraphs "a" and "b", portions
16 15 of records relating to the receipt, holding, and disbursement
16 16 of gifts made for the benefit of regents institutions and made
16 17 through foundations established for support of regents
16 18 institutions, including but not limited to written
16 19 fund-raising policies and documents evidencing fund-raising
16 20 practices, shall be subject to this chapter. Unless otherwise
16 21 provided, the lawful custodian of all records subject to this
16 22 paragraph is the regents institution to be benefited by such
16 23 gifts.

16 24 Sec. 25. Section 22.7, subsection 55, Code Supplement
16 25 2007, is amended to read as follows:

16 26 55. An intelligence assessment and intelligence data under
16 27 chapter 692, ~~except shall only be released~~ as provided in
16 28 section 692.8A.

16 29 Sec. 26. Section 22.7, Code Supplement 2007, is amended by
16 30 adding the following new subsections:

16 31 NEW SUBSECTION. 60. PUBLIC EMPLOYMENT APPLICATIONS.

16 32 a. The identity and qualifications of an applicant for
16 33 employment by a government body if the applicant requests
16 34 anonymity in writing and the government body determines that
16 35 anonymity is necessary to induce the applicant to apply for
17 1 the employment position. Such information shall be exempt
17 2 from disclosure until an applicant is considered by the
17 3 government body to be a finalist for the position. For
17 4 purposes of this subsection, "finalist" means any applicant
17 5 who is determined to be among those who are under final
17 6 consideration for the position, and at least includes the five
17 7 most qualified applicants as determined by the recommending or
17 8 selecting authority. If there are five or fewer applicants
17 9 for the particular position, all of the applicants shall be
17 10 considered finalists for purposes of this subsection. The
17 11 identities and qualifications of the finalists shall be made
17 12 available for public inspection at least three business days
17 13 prior to a final decision.

17 14 b. Documents relating to a government body's evaluation of
17 15 the qualifications and merits of an applicant for employment
17 16 by that government body.

17 17 NEW SUBSECTION. 62. TENTATIVE, PRELIMINARY, OR DRAFT
17 18 MATERIALS. Tentative, preliminary, draft, speculative, or
17 19 research material, created prior to its completion for the
17 20 purpose for which it is intended and in a form prior to the
17 21 form in which it is submitted for use or used in the actual
17 22 formulation, recommendation, adoption, or execution of any
17 23 official policy or action by a public official authorized to
17 24 make such decisions for the government body. Such materials
17 25 shall be treated as a public record at the time the materials
17 26 are actually used for the final formulation, recommendation,
17 27 adoption, or execution of any official policy or action of a
17 28 government body.

17 29 NEW SUBSECTION. 63. CLOSED SESSION RECORDS. Information
17 30 in records that would permit a governmental body subject to
17 31 chapter 21 to hold a closed session pursuant to section 21.5
17 32 in order to avoid public disclosure of that information.

17 33 Sec. 27. Section 22.8, subsection 1, Code 2007, is amended
17 34 to read as follows:

17 35 1. The district court may grant an injunction restraining
18 1 the examination, including copying, of a specific public
18 2 record or a narrowly drawn class of public records. A hearing
18 3 shall be held on a request for injunction upon reasonable
18 4 notice as determined by the court to persons requesting access
18 5 to the record which is the subject of the request for
18 6 injunction. It shall be the duty of the lawful custodian and
18 7 any other person seeking an injunction to ensure compliance
18 8 with the notice requirement. Such an injunction may be issued
18 9 only if the petition supported by affidavit shows and if the
18 10 court finds ~~both any~~ of the following:

18 11 a. That the examination would clearly not be in the public
18 12 interest because the potential harm to the public interest
18 13 from disclosure of the particular information involved clearly
18 14 outweighs any potential benefit to the public interest from
18 15 disclosure.

18 16 b. That the examination would substantially and
18 17 irreparably injure any person or persons because it would
18 18 invade the personal privacy of the identified subject of the
18 19 record and the harm to that person from such disclosure is not
18 20 outweighed by the public interest in its disclosure.

18 21 c. That the record at issue is not a public record.

18 22 d. That the record at issue is a record exempt from
18 23 mandatory disclosure pursuant to section 22.7 and that a
18 24 determination by the custodian to permit inspection of the

18 25 record by one or more members of the public is a violation of
18 26 law or is arbitrary, capricious, unreasonable, or an abuse of
18 27 discretion.

18 28 Sec. 28. Section 22.8, subsection 4, paragraphs c and d,
18 29 Code 2007, are amended to read as follows:

18 30 c. To determine whether the government record in question
18 31 is a public record, an optional public record, or a
18 32 confidential record.

18 33 d. To determine whether ~~a confidential~~ an optional public
18 34 record should be available for inspection and copying to the
18 35 person requesting the right to do so. A reasonable delay for
19 1 this purpose shall not exceed ~~twenty calendar days and~~
19 2 ~~ordinarily should not exceed~~ ten business days.

19 3 Sec. 29. Section 22.10, subsection 3, paragraph b, Code
19 4 2007, is amended to read as follows:

19 5 b. Shall assess the persons who participated in its
19 6 violation damages in the amount of not more than five hundred
19 7 dollars ~~not and not less than~~ one hundred dollars. However,
19 8 if a member of a governmental body knowingly participated in
19 9 such a violation, damages shall be in the amount of not more
19 10 than two thousand five hundred dollars and not less than one
19 11 thousand dollars. These damages shall be paid by the court
19 12 imposing them to the state of Iowa if the body in question is
19 13 a state government body, or to the local government involved
19 14 if the body in question is a local government body. A person
19 15 found to have violated this chapter shall not be assessed such
19 16 damages if that person proves that the person ~~either voted did~~
19 17 any of the following:

19 18 (1) Voted against the action violating this chapter,
19 19 refused to participate in the action violating this chapter,
19 20 or engaged in reasonable efforts under the circumstances to
19 21 resist or prevent the action in violation of this chapter+
19 22 had.

19 23 (2) Had good reason to believe and in good faith believed
19 24 facts which, if true, would have indicated compliance with the
19 25 requirements of this chapter+~~or reasonably.~~

19 26 (3) Reasonably relied upon a decision of a court, ~~or an a~~
19 27 formal opinion of the Iowa public information board, the
19 28 attorney general, or the attorney for the government body,
19 29 given in writing, or as memorialized in the minutes of the
19 30 meeting at which a formal oral opinion was given, or an
19 31 advisory opinion of the Iowa public information board, the
19 32 attorney general, or the attorney for the governmental body,
19 33 given in writing.

19 34 Sec. 30. Section 22.10, subsection 3, paragraph d, Code
19 35 2007, is amended to read as follows:

20 1 d. Shall issue an order removing a person from office if
20 2 that person has engaged in a prior violation of this chapter
20 3 for which damages were assessed against the person during the
20 4 person's term. In making this determination, the court shall
20 5 recognize violations for which damages were assessed by the
20 6 Iowa public information board created in section 23.3.

20 7 Sec. 31. Section 22.10, subsection 5, Code 2007, is
20 8 amended by striking the subsection.

20 9 Sec. 32. Section 22.13, Code 2007, is amended to read as
20 10 follows:

20 11 22.13 SETTLEMENTS == ~~GOVERNMENTAL~~ GOVERNMENT BODIES.

20 12 1. A written summary of the terms of settlement, including
20 13 amounts of payments made to or through a claimant, or other
20 14 disposition of any claim for damages made against a
20 15 ~~governmental government~~ body or against an employee, officer,
20 16 or agent of a ~~governmental government~~ body, by an insurer
20 17 pursuant to a contract of liability insurance issued to the
20 18 ~~governmental government~~ body, shall be filed with the
20 19 ~~governmental government~~ body and shall be a public record.

20 20 2. A final binding settlement agreement between any
20 21 government body of this state or unit or official of such a
20 22 government body that resolves a legal dispute between such a
20 23 government body and another person or entity shall be filed
20 24 with the government body. For each such settlement agreement,
20 25 the government body shall prepare and file, together with the
20 26 settlement agreement, a brief summary indicating the identity
20 27 of the parties involved, the nature of the dispute, any
20 28 underlying relevant facts, and the terms of the settlement.
20 29 The settlement agreement and summary shall be available for
20 30 public inspection.

20 31 Sec. 33. Section 22.14, subsection 3, Code 2007, is
20 32 amended to read as follows:

20 33 3. If a fiduciary or other third party with custody of
20 34 public investment transactions records fails to produce public
20 35 records within a reasonable period of time as requested by the

21 1 ~~public government~~ body, the ~~public government~~ body shall make
21 2 no new investments with or through the fiduciary or other
21 3 third party and shall not renew existing investments upon
21 4 their maturity with or through the fiduciary or other third
21 5 party. The fiduciary or other third party shall be liable for
21 6 the penalties imposed under ~~section 22.6 statute, common law,~~
21 7 ~~or contract~~ due to the acts or omissions of the fiduciary or
21 8 ~~other third party and any other remedies available under~~
21 9 ~~statute, common law, or contract.~~
21 10 Sec. 34. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
21 11 This chapter does not apply to government records owned,
21 12 created, possessed, or under the control of the judicial
21 13 branch related to the performance by the courts of their
21 14 judicial functions. The supreme court shall prescribe rules
21 15 governing access to such records consistent with the purposes
21 16 of this chapter.
21 17 Sec. 35. NEW SECTION. 23.1 CITATION AND PURPOSE.
21 18 This chapter may be cited as the "Iowa Public Information
21 19 Board Act". The purpose of this chapter is to provide an
21 20 alternative means by which to secure compliance with and
21 21 enforcement of the requirements of chapters 21 and 22 through
21 22 the provision by the Iowa public information board to all
21 23 interested parties of an efficient, informal, and
21 24 cost-effective process for resolving disputes.
21 25 Sec. 36. NEW SECTION. 23.2 DEFINITIONS.
21 26 1. "Board" means the Iowa public information board created
21 27 in section 23.3.
21 28 2. "Complainant" means a person who files a complaint with
21 29 the board.
21 30 3. "Complaint" means a written and signed document filed
21 31 with the board alleging a violation of chapter 21 or 22.
21 32 4. "Custodian" means a government body, government
21 33 official, or government employee designated as the lawful
21 34 custodian of a government record pursuant to section 22.1.
21 35 5. "Government body" means the same as defined in section
22 1 22.1.
22 2 6. "Person" means an individual, partnership, association,
22 3 corporation, legal representative, trustee, receiver,
22 4 custodian, government body, or official, employee, agency, or
22 5 political subdivision of this state.
22 6 7. "Respondent" means any agency or other unit of state or
22 7 local government, custodian, government official, or
22 8 government employee who is the subject of a complaint.
22 9 Sec. 37. NEW SECTION. 23.3 BOARD APPOINTED.
22 10 1. An Iowa public information board is created consisting
22 11 of five members appointed by the governor, subject to
22 12 confirmation by the senate. Membership shall be balanced as
22 13 to political affiliation as provided in section 69.16 and
22 14 gender as provided in section 69.16A. Members appointed to
22 15 the board shall serve staggered, four-year terms, beginning
22 16 and ending as provided by section 69.19. A quorum shall
22 17 consist of three members.
22 18 2. A vacancy on the board shall be filled by the governor
22 19 by appointment for the unexpired part of the term. A board
22 20 member may be removed from office by the governor for good
22 21 cause. The board shall select one of its members to serve as
22 22 chair and shall employ a director who shall serve as the
22 23 executive officer of the board.
22 24 Sec. 38. NEW SECTION. 23.4 COMPENSATION AND EXPENSES.
22 25 Board members shall be paid a per diem as specified in
22 26 section 7E.6 and shall be reimbursed for actual and necessary
22 27 expenses incurred while on official board business. Per diem
22 28 and expenses shall be paid from funds appropriated to the
22 29 board.
22 30 Sec. 39. NEW SECTION. 23.5 ELECTION OF REMEDIES.
22 31 1. An aggrieved person, any taxpayer to or citizen of this
22 32 state, the attorney general, or any county attorney may seek
22 33 enforcement of the requirements of chapters 21 and 22 by
22 34 electing either to file an action pursuant to section 17A.19,
22 35 21.6, or 22.10, whichever is applicable, or in the
23 1 alternative, to file a timely complaint with the board.
23 2 2. If more than one person seeks enforcement of chapter 21
23 3 or 22 with respect to the same incident involving an alleged
23 4 violation, and one or more of such persons elects to do so by
23 5 filing an action under section 17A.19, 21.6, or 22.10 and one
23 6 or more of such persons elects to do so by filing a timely
23 7 complaint with the board, the court in which the action was
23 8 filed shall dismiss the action without prejudice, authorizing
23 9 the complainant to file a complaint with respect to the same
23 10 incident with the board without regard to the timeliness of
23 11 the filing of the complaint at the time the action in court is

23 12 dismissed.

23 13 3. If a person files an action pursuant to section 22.8
23 14 seeking to enjoin the inspection of a public record, the
23 15 respondent or person requesting access to the record which is
23 16 the subject of the request for injunction may remove the
23 17 proceeding to the board for its determination by filing,
23 18 within thirty days of the commencement of the judicial
23 19 proceeding, a complaint with the board alleging a violation of
23 20 chapter 22 in regard to the same matter.

23 21 Sec. 40. NEW SECTION. 23.6 BOARD POWERS AND DUTIES.

23 22 The board shall have all of the following powers and
23 23 duties:

23 24 1. Employ such employees as are necessary to execute its
23 25 authority, including administrative law judges, and attorneys
23 26 to prosecute respondents in proceedings before the board and
23 27 to represent the board in proceedings before a court.
23 28 Notwithstanding section 8A.412, all of the board's employees,
23 29 except for the executive director and attorneys, shall be
23 30 employed subject to the merit system provisions of chapter 8A,
23 31 subchapter IV.

23 32 2. Adopt rules with the force of law pursuant to chapter
23 33 17A calculated to implement, enforce, and interpret the
23 34 requirements of chapters 21 and 22 and to implement any
23 35 authority delegated to the board by this chapter.

24 1 3. Issue, consistent with the requirements of section
24 2 17A.9, declaratory orders with the force of law determining
24 3 the applicability of chapter 21 or 22 to specified fact
24 4 situations and issue informal advice to any person concerning
24 5 the applicability of chapters 21 and 22.

24 6 4. Receive complaints alleging violations of chapter 21 or
24 7 22, seek resolution of such complaints through informal
24 8 assistance or through mediation and settlement, formally
24 9 investigate such complaints, decide after such an
24 10 investigation whether there is probable cause to believe a
24 11 violation of chapter 21 or 22 has occurred, and if probable
24 12 cause has been found prosecute the respondent before the board
24 13 in a contested case proceeding conducted according to the
24 14 provisions of chapter 17A.

24 15 5. Request and receive from a government body assistance
24 16 and information as necessary in the performance of its duties.
24 17 The board may examine a record of a government body that is
24 18 the subject matter of a complaint, including any record that
24 19 is confidential by law. Confidential records provided to the
24 20 board by a governmental body shall continue to maintain their
24 21 confidential status. Any member or employee of the board is
24 22 subject to the same policies and penalties regarding the
24 23 confidentiality of the document as an employee of the
24 24 government body.

24 25 6. Issue subpoenas enforceable in court for the purpose of
24 26 investigating complaints and to facilitate the prosecution and
24 27 conduct of contested cases before the board.

24 28 7. After appropriate board proceedings, issue orders with
24 29 the force of law, determining whether there has been a
24 30 violation of chapter 21 or 22, requiring compliance with
24 31 specified provisions of those chapters, imposing civil
24 32 penalties equivalent to and to the same extent as those
24 33 provided for in section 21.6 or 22.10, as applicable, on a
24 34 respondent who has been found in violation of chapter 21 or
24 35 22, and imposing any other appropriate remedies calculated to
25 1 declare, terminate, or remediate any violation of those
25 2 chapters.

25 3 8. Represent itself in judicial proceedings to enforce or
25 4 defend its orders and rules through attorneys on its own
25 5 staff, through the office of the attorney general, or through
25 6 other attorneys retained by the board, at its option.

25 7 9. Make training opportunities available to lawful
25 8 custodians, government bodies, and other persons subject to
25 9 the requirements of chapters 21 and 22 and require, in its
25 10 discretion, appropriate persons who have responsibilities in
25 11 relation to chapters 21 and 22 to receive periodic training
25 12 approved by the board.

25 13 10. Disseminate information calculated to inform members
25 14 of the public about the public's right to access government
25 15 information in this state including procedures to facilitate
25 16 this access and including information relating to the
25 17 obligations of government bodies under chapter 21 and lawful
25 18 custodians under chapter 22 and other laws dealing with this
25 19 subject.

25 20 11. Prepare and transmit to the governor and to the
25 21 general assembly, at least annually, reports describing
25 22 complaints received, board proceedings, investigations,

25 23 hearings conducted, decisions rendered, and other work
25 24 performed by the board.

25 25 12. Make recommendations to the general assembly proposing
25 26 legislation relating to public access to government
25 27 information deemed desirable by the board in light of the
25 28 policy of this state to provide as much public access as
25 29 possible to government information as is consistent with the
25 30 public interest and the need to protect individuals against
25 31 undue invasions of personal privacy.

25 32 Sec. 41. NEW SECTION. 23.7 FILING OF COMPLAINTS WITH THE
25 33 BOARD.

25 34 1. The board shall adopt rules with the force of law and
25 35 pursuant to chapter 17A providing for the timing, form,
26 1 content, and means by which any aggrieved person, any taxpayer
26 2 to or citizen of this state, the attorney general, or any
26 3 county attorney may file a complaint with the board alleging a
26 4 violation of chapter 21 or 22. The complaint must be filed
26 5 within sixty days from the time the alleged violation occurred
26 6 or the complainant could have become aware of the violation
26 7 with reasonable diligence.

26 8 2. All board proceedings in response to the filing of a
26 9 complaint shall be conducted as expeditiously as possible.

26 10 3. The board shall not charge a complainant any fee in
26 11 relation to the filing of a complaint, the processing of a
26 12 complaint, or any board proceeding or judicial proceeding
26 13 resulting from the filing of a complaint.

26 14 Sec. 42. NEW SECTION. 23.8 INITIAL PROCESSING OF
26 15 COMPLAINT.

26 16 Upon receipt of a complaint alleging a violation of chapter
26 17 21 or 22, the board shall do either of the following:

26 18 1. Determine that, on its face, the complaint is within
26 19 the board's jurisdiction, appears legally sufficient, and
26 20 could have merit. In such a case the board shall accept the
26 21 complaint, and shall notify the parties of that fact in
26 22 writing.

26 23 2. Determine that, on its face, the complaint is outside
26 24 its jurisdiction, is legally insufficient, is frivolous, is
26 25 without merit, involves harmless error, or relates to a
26 26 specific incident that has previously been finally disposed of
26 27 on its merits by the board or a court. In such a case the
26 28 board shall decline to accept the complaint. If the board
26 29 refuses to accept a complaint, the board shall provide the
26 30 complainant with a written order explaining its reasons for
26 31 the action.

26 32 Sec. 43. NEW SECTION. 23.9 INFORMAL ASSISTANCE ==
26 33 MEDIATION AND SETTLEMENT.

26 34 1. After accepting a complaint, the board shall promptly
26 35 work with the parties through its employees to reach an
27 1 informal, expeditious resolution of the complaint. If an
27 2 informal resolution satisfactory to the parties cannot be
27 3 reached, the board or the board's designee shall offer the
27 4 parties an opportunity to resolve the dispute through
27 5 mediation and settlement.

27 6 2. The mediation and settlement process shall enable the
27 7 complainant to attempt to resolve the dispute with the aid of
27 8 a neutral mediator employed and selected by the board, in its
27 9 discretion, from either its own staff or an outside source.

27 10 3. Mediation shall be conducted as an informal,
27 11 nonadversarial process and in a manner calculated to help the
27 12 parties reach a mutually acceptable and voluntary settlement
27 13 agreement. The mediator shall assist the parties in
27 14 identifying issues and shall foster joint problem solving and
27 15 the exploration of settlement alternatives.

27 16 Sec. 44. NEW SECTION. 23.10 ENFORCEMENT.

27 17 1. If any party declines mediation or settlement or if
27 18 mediation or settlement fails to resolve the matter to the
27 19 satisfaction of all parties, the board shall initiate a formal
27 20 investigation concerning the facts and circumstances set forth
27 21 in the complaint. The board shall, after an appropriate
27 22 investigation, make a determination as to whether the
27 23 complaint is within the board's jurisdiction and whether there
27 24 is probable cause to believe that the facts and circumstances
27 25 alleged in the complaint constitute a violation of chapter 21
27 26 or 22.

27 27 2. If the board finds the complaint is outside the board's
27 28 jurisdiction or there is no probable cause to believe there
27 29 has been a violation of chapter 21 or 22, the board shall
27 30 issue a written order explaining the reasons for the board's
27 31 conclusions and dismissing the complaint, and shall transmit a
27 32 copy to the complainant and to the party against whom the
27 33 complaint was filed.

27 34 3. a. If the board finds the complaint is within the
27 35 board's jurisdiction and there is probable cause to believe
28 1 there has been a violation of chapter 21 or 22, the board
28 2 shall issue a written order to that effect and shall commence
28 3 a contested case proceeding under chapter 17A against the
28 4 respondent. An attorney selected by the director of the board
28 5 shall prosecute the respondent in the contested case
28 6 proceeding. At the termination of the contested case
28 7 proceeding the board shall, by a majority vote of its members,
28 8 render a final decision as to the merits of the complaint. If
28 9 the board finds that the complaint has merit, the board may
28 10 issue any appropriate order to ensure enforcement of chapter
28 11 21 or 22 including but not limited to an order requiring
28 12 specified action or prohibiting specified action and any
28 13 appropriate order to remedy any failure of the respondent to
28 14 observe any provision of those chapters.

28 15 b. If the board determines, by a majority vote of its
28 16 members, that the respondent has violated chapter 21 or 22,
28 17 the board may also do any or all of the following:

28 18 (1) Require the respondent to pay damages as provided for
28 19 in section 21.6 or 22.10, whichever is applicable, to the
28 20 extent that provision would make such damages payable if the
28 21 complainant had sought to enforce a violation in court instead
28 22 of through the board.

28 23 (2) Void any action taken in violation of chapter 21 if a
28 24 court would be authorized to do so in similar circumstances
28 25 pursuant to section 21.6.

28 26 c. The board shall not have the authority to remove a
28 27 person from public office for a violation of chapter 21 or 22.
28 28 The board may file an action under chapter 21 or 22 to remove
28 29 a person from office for violations that would subject a
28 30 person to removal under those chapters.

28 31 d. A final board order resulting from such proceedings may
28 32 be enforced by the board in court and is subject to judicial
28 33 review pursuant to section 17A.19.

28 34 Sec. 45. NEW SECTION. 23.11 DEFENSES IN A CONTESTED CASE
28 35 PROCEEDING.

29 1 A respondent may defend against a proceeding before the
29 2 board charging a violation of chapter 21 or 22 on the ground
29 3 that if such a violation occurred it was only harmless error
29 4 or that clear and convincing evidence demonstrated that
29 5 grounds existed to justify a court to issue an injunction
29 6 against disclosure pursuant to section 22.8.

29 7 Sec. 46. NEW SECTION. 23.12 JURISDICTION.

29 8 The board shall not have jurisdiction over the judicial or
29 9 legislative branches of state government or any entity,
29 10 officer, or employee of those branches, or over the governor
29 11 or the office of the governor.

29 12 Sec. 47. Section 34A.7A, subsection 4, Code Supplement
29 13 2007, is amended to read as follows:

29 14 4. The amount collected from a wireless service provider
29 15 and deposited in the fund, pursuant to section 22.7,
29 16 subsection 6, information provided by a wireless service
29 17 provider to the program manager consisting of trade secrets,
29 18 pursuant to section 22.7, subsection 3, and other financial or
29 19 commercial operations information provided by a wireless
29 20 service provider to the program manager, shall be ~~kept~~
29 21 ~~confidential~~ an optional public record as provided under
29 22 section 22.7. This subsection does not prohibit the inclusion
29 23 of information in any report providing aggregate amounts and
29 24 information which does not identify numbers of accounts or
29 25 customers, revenues, or expenses attributable to an individual
29 26 wireless communications service provider.

29 27 Sec. 48. Section 68B.32B, subsection 11, Code Supplement
29 28 2007, is amended to read as follows:

29 29 11. A complaint shall be a public record, but some or all
29 30 of the contents may be treated as ~~confidential~~ an optional
29 31 public record under section 22.7, subsection 18, to the extent
29 32 necessary under subsection 3 of this section. Information
29 33 informally reported to the board and board staff which results
29 34 in a board-initiated investigation shall be a public record
29 35 but may be treated as ~~confidential~~ an optional
30 1 public record consistent with the provisions of section 22.7,

30 2 subsection 18. If the complainant, the person who provides
30 3 information to the board, or the person who is the subject of
30 4 an investigation publicly discloses the existence of an
30 5 investigation, the board may publicly confirm the existence of
30 6 the disclosed formal complaint or investigation and, in the
30 7 board's discretion, make the complaint or the informal
30 8 referral public, as well as any other documents that were
30 9 issued by the board to any party to the investigation.

30 10 However, investigative materials may be furnished to the
30 11 appropriate law enforcement authorities by the board at any
30 12 time. Upon the commencement of a contested case proceeding by
30 13 the board, all investigative material relating to that
30 14 proceeding shall be made available to the subject of the
30 15 proceeding. The entire record of any contested case
30 16 proceeding initiated under this section shall be a public
30 17 record.

30 18 Sec. 49. Section 76.11, Code 2007, is amended to read as
30 19 follows:

30 20 76.11 CONFIDENTIALITY OF BOND HOLDERS == EXCEPTIONS.

30 21 Records of identity of owners of public bonds or
30 22 obligations maintained as provided in section 76.10 or by the
30 23 issuer of the bonds are ~~confidential~~ optional public records
30 24 ~~entitled to protection~~ under section 22.7, subsection 17-

30 25 However, and the issuer of the bonds or a state or federal
30 26 agency may obtain information as necessary.

30 27 Sec. 50. Section 124.553, subsection 3, Code Supplement
30 28 2007, is amended to read as follows:

30 29 3. Information contained in the program and any
30 30 information obtained from it, and information contained in the
30 31 records of requests for information from the program, is
30 32 privileged and strictly confidential information. Such
30 33 information is ~~a confidential~~ an optional public record
30 34 pursuant to section 22.7, and is not subject to discovery,
30 35 subpoena, or other means of legal compulsion for release
31 1 except as provided in this division. Information from the
31 2 program shall not be released, shared with an agency or
31 3 institution, or made public except as provided in this
31 4 division.

31 5 Sec. 51. Section 135.43, subsection 7, paragraphs a and b,
31 6 Code Supplement 2007, are amended to read as follows:

31 7 a. The Iowa department of public health and the department
31 8 of human services shall adopt rules providing for disclosure
31 9 of optional public record information ~~which is confidential~~
31 10 under chapter 22 or any confidential record information under
31 11 ~~any other provision of state law, to the review team for~~
31 12 purposes of performing its child death and child abuse review
31 13 responsibilities.

31 14 b. A person in possession or control of medical,
31 15 investigative, assessment, or other information pertaining to
31 16 a child death and child abuse review shall allow the
31 17 inspection and reproduction of the information by the
31 18 department upon the request of the department, to be used only
31 19 in the administration and for the duties of the Iowa child
31 20 death review team. Except as provided for a report on a child
31 21 fatality by an ad hoc child fatality review committee under
31 22 subsection 4, information and records produced under this
31 23 section which are ~~confidential~~ optional public records under
31 24 section 22.7 and confidential records under chapter 235A, and
31 25 information or records received from the confidential records,
31 26 remain confidential under this section. A person does not
31 27 incur legal liability by reason of releasing information to
31 28 the department as required under and in compliance with this
31 29 section.

31 30 Sec. 52. Section 147A.26, subsection 2, Code 2007, is
31 31 amended to read as follows:

31 32 2. The data collected by and furnished to the department
31 33 pursuant to this section are ~~confidential~~ optional public
31 34 records of the condition, diagnosis, care, or treatment of
31 35 patients or former patients, including outpatients, pursuant
32 1 to section 22.7. The compilations prepared for release or
32 2 dissemination from the data collected are not confidential
32 3 under section 22.7, subsection 2. However, information which
32 4 individually identifies patients shall not be disclosed and
32 5 state and federal law regarding patient confidentiality shall
32 6 apply.

32 7 Sec. 53. Section 202A.2, subsection 3, paragraph b, Code
32 8 2007, is amended to read as follows:

32 9 b. The department, in consultation with the office of
32 10 attorney general, shall designate information in purchase
32 11 reports that reveals the identity of a packer or livestock
32 12 seller as ~~confidential~~ optional public records pursuant to
32 13 section 22.7.

32 14 Sec. 54. Section 232.149, subsection 2, Code 2007, is
32 15 amended to read as follows:

32 16 2. Records and files of a criminal or juvenile justice
32 17 agency concerning a child involved in a delinquent act are
32 18 public records, except that release of criminal history data,
32 19 intelligence data, and law enforcement investigatory files is
32 20 subject to the provisions of section 22.7 and chapter 692, and

32 21 juvenile court social records, as defined in section 232.2,
32 22 subsection 31, shall be deemed ~~confidential~~ optional public
32 23 record criminal identification files under section 22.7,
32 24 subsection 9. The records are subject to sealing under
32 25 section 232.150 unless the juvenile court waives its
32 26 jurisdiction over the child so that the child may be
32 27 prosecuted as an adult for a public offense.
32 28 Sec. 55. Section 252B.24, subsection 3, Code 2007, is
32 29 amended to read as follows:
32 30 3. The records of the state case registry are ~~confidential~~
32 31 optional public records pursuant to chapter 22 and may only be
32 32 disclosed or used as provided in section 252B.9.
32 33 Sec. 56. Section 252G.5, unnumbered paragraph 1, Code
32 34 2007, is amended to read as follows:
32 35 The records of the centralized employee registry are
33 1 confidential records pursuant to ~~sections 22.7 and section~~
33 2 ~~252B.9~~, and may be accessed only by state agencies as provided
33 3 in this section and section 252B.9. When a state agency
33 4 accesses information in the registry, the agency may use the
33 5 information to update the agency's own records. Access to and
33 6 use of the information contained in the registry shall be
33 7 limited to the following:
33 8 Sec. 57. Section 321.189A, subsection 6, Code 2007, is
33 9 amended to read as follows:
33 10 6. The department shall keep ~~as confidential public~~
33 11 ~~records under section 22.7~~, all records regarding licenses
33 12 issued under this section as optional public records under
33 13 section 22.7.
33 14 Sec. 58. Section 452A.33, subsection 1, paragraph d, Code
33 15 2007, is amended to read as follows:
33 16 d. The information included in a report submitted by a
33 17 retail dealer is deemed to be a trade secret, ~~protected as a~~
33 18 ~~confidential record and is an optional public record pursuant~~
33 19 ~~to section 22.7~~.
33 20 Sec. 59. Section 452A.33, subsection 2, paragraph c, Code
33 21 2007, is amended to read as follows:
33 22 c. The report shall not provide information regarding
33 23 motor fuel or biofuel which is sold and dispensed by an
33 24 individual retail dealer or at a particular retail motor fuel
33 25 site. The report shall not include a trade secret ~~protected~~
33 26 ~~as a confidential record pursuant as referred to in~~ section
33 27 22.7.
33 28 Sec. 60. Section 455K.4, subsection 4, Code 2007, is
33 29 amended to read as follows:
33 30 4. Information that is disclosed under subsection 2,
33 31 paragraph "b", is confidential and is not subject to
33 32 disclosure under chapter 22. ~~A governmental entity,~~
33 33 ~~governmental employee, or governmental official who discloses~~
33 34 ~~information in violation of this subsection is subject to the~~
33 35 ~~penalty provided in section 22.6~~.
34 1 Sec. 61. Section 476.74, subsection 4, Code 2007, is
34 2 amended to read as follows:
34 3 4. VERIFIED COPIES REQUIRED. Every public utility shall
34 4 file with the board a verified copy of the contract or
34 5 arrangement referred to in this section, or a verified summary
34 6 of the unwritten contract or arrangement, and also of all the
34 7 contracts and arrangements or a verified summary of the
34 8 unwritten contracts or arrangements, whether written or
34 9 unwritten, entered into prior to July 1, 1989, and in force
34 10 and effect at that time. Any contract or agreement determined
34 11 by the board to be ~~a confidential~~ an optional public record
34 12 pursuant to section 22.7 shall be returned to the public
34 13 utility filing the ~~confidential~~ record within sixty days after
34 14 the contract or agreement is filed.
34 15 Sec. 62. Section 477A.7, subsection 3, paragraph b, Code
34 16 Supplement 2007, is amended to read as follows:
34 17 b. For purposes of this subsection, the number of
34 18 customers of a cable service provider or video service
34 19 provider shall be determined based on the relative number of
34 20 subscribers in that municipality at the end of the prior
34 21 calendar year as reported to the municipality by all incumbent
34 22 cable providers and holders of a certificate of franchise
34 23 authority. Any records showing the number of subscribers
34 24 shall be considered ~~confidential~~ optional public records
34 25 pursuant to section 22.7. The incumbent cable provider shall
34 26 provide to the municipality, on an annual basis, the
34 27 maintenance and support costs of the institutional network,
34 28 subject to an independent audit. A municipality acting under
34 29 this subsection shall notify and present a bill to competitive
34 30 cable service providers or competitive video service providers
34 31 for the amount of such support on an annual basis, beginning

34 32 one year after issuance of the certificate of franchise
34 33 authority. The annual institutional network support shall be
34 34 due and paid by the providers to the municipality in four
34 35 quarterly payments, not later than forty-five days after the
35 1 close of each quarter. The municipality shall reimburse the
35 2 incumbent cable provider for the amounts received from
35 3 competitive cable service providers or competitive video
35 4 service providers.

35 5 Sec. 63. Section 502.607, subsection 2, Code 2007, is
35 6 amended to read as follows:

35 7 2. ~~NONPUBLIC RECORDS~~ OPTIONAL PUBLIC RECORDS.

35 8 Notwithstanding chapter 22, the following records are ~~not~~
35 9 optional public records and are not available for public
35 10 examination under subsection 1:

35 11 a. A record obtained by the administrator in connection
35 12 with an audit or inspection under section 502.411, subsection
35 13 4, or an investigation under section 502.602.

35 14 b. A part of a record filed in connection with a
35 15 registration statement under sections 502.301 and 502.303
35 16 through 502.305 or a record under section 502.411, subsection
35 17 4, that contains trade secrets or confidential information if
35 18 the person filing the registration statement or report has
35 19 asserted a claim of confidentiality or privilege that is
35 20 authorized by law.

35 21 c. A record that is not required to be provided to the
35 22 administrator or filed under this chapter and is provided to
35 23 the administrator only on the condition that the record will
35 24 not be subject to public examination or disclosure.

35 25 d. A nonpublic record received from a person specified in
35 26 section 502.608, subsection 1.

35 27 e. Any social security number, residential address unless
35 28 used as a business address, and residential telephone number
35 29 unless used as a business telephone number, contained in a
35 30 record that is filed.

35 31 f. A record obtained by the administrator through a
35 32 designee that the administrator determines by rule or order
35 33 has been appropriately expunged from its own records by that
35 34 designee, if the administrator finds that such expungement is
35 35 in the public interest and does not impair investor
36 1 protection.

36 2 Sec. 64. Section 507.14, subsections 1 through 3, 5, and
36 3 6, Code Supplement 2007, are amended to read as follows:

36 4 1. A preliminary report of an examination of a domestic or
36 5 foreign insurer, and all notes, work papers, or other
36 6 documents related to an examination of an insurer are
36 7 ~~confidential~~ optional public records under chapter 22 except
36 8 when sought by the insurer to whom they relate, an insurance
36 9 regulator of another state, or the national association of
36 10 insurance commissioners, and shall be privileged and
36 11 confidential in any judicial or administrative proceeding
36 12 except any of the following:

36 13 a. An action commenced by the commissioner under chapter
36 14 507C.

36 15 b. An administrative proceeding brought by the insurance
36 16 division under chapter 17A.

36 17 c. A judicial review proceeding under chapter 17A brought
36 18 by an insurer to whom the records relate.

36 19 d. An action or proceeding which arises out of the
36 20 criminal provisions of the laws of this state or the United
36 21 States.

36 22 e. An action brought in a shareholders' derivative suit
36 23 against an insurer.

36 24 f. An action brought to recover moneys or to recover upon
36 25 an indemnity bond for embezzlement, misappropriation, or
36 26 misuse of insurer funds.

36 27 2. A report of an examination of a domestic or foreign
36 28 insurer which is preliminary under the rules of the division
36 29 is ~~a confidential~~ an optional public record under chapter 22
36 30 except when sought by the insurer to which the report relates
36 31 or an insurance regulator of another state, and is privileged
36 32 and confidential in any judicial or administrative proceeding.

36 33 3. All work papers, notes, recorded information,
36 34 documents, market conduct annual statements, and copies
36 35 thereof that are produced or obtained by or disclosed to the
37 1 commissioner or any other person in the course of analysis by
37 2 the commissioner of the financial condition or market conduct
37 3 of an insurer are ~~confidential~~ optional public records under
37 4 chapter 22 and shall be privileged and confidential in any
37 5 judicial or administrative proceeding except any of the
37 6 following:

37 7 a. An action commenced by the commissioner under chapter

37 8 507C.

37 9 b. An administrative proceeding brought by the insurance
37 10 division under chapter 17A.

37 11 c. A judicial review proceeding under chapter 17A brought
37 12 by an insurer to whom the records relate.

37 13 d. An action or proceeding which arises out of the
37 14 criminal provisions of the laws of this state or the United
37 15 States.

37 16 5. A financial statement filed by an employer
37 17 self-insuring workers' compensation liability pursuant to
37 18 section 87.11, or the working papers of an examiner or the
37 19 division in connection with calculating appropriate security
37 20 and reserves for the self-insured employer are ~~confidential~~
37 21 optional public records under chapter 22 except when sought by
37 22 the employer to which the financial statement or working
37 23 papers relate or an insurance or workers' compensation
37 24 self-insurance regulator of another state, and are privileged
37 25 and confidential in any judicial or administrative proceeding.
37 26 The financial information of a nonpublicly traded employer
37 27 which self-insures for workers' compensation liability
37 28 pursuant to section 87.11 is protected as proprietary trade
37 29 secrets to the extent consistent with the commissioner's
37 30 duties to oversee the security of self-insured workers'
37 31 compensation liability.

37 32 6. Analysis notes, work papers, or other documents related
37 33 to the analysis of an insurer are ~~confidential~~ optional public
37 34 records under chapter 22.

37 35 Sec. 65. Section 507A.4, subsection 10, paragraph b, Code
38 1 Supplement 2007, is amended to read as follows:

38 2 b. The sponsor of the health benefit plan shall file an
38 3 application for waiver from the provisions of this chapter
38 4 with the commissioner as prescribed by the commissioner and
38 5 shall file periodic statements and information as required by
38 6 the commissioner. The commissioner shall adopt rules pursuant
38 7 to chapter 17A implementing this subsection. All statements
38 8 and information filed with or disclosed to the commissioner
38 9 pursuant to this subsection are ~~confidential~~ optional public
38 10 records pursuant to chapter 22.

38 11 Sec. 66. Section 507E.5, subsection 1, Code 2007, is
38 12 amended to read as follows:

38 13 1. All investigation files, investigation reports, and all
38 14 other investigative information in the possession of the
38 15 bureau are confidential records ~~under chapter 22~~ except as
38 16 specifically provided in this section and are not subject to
38 17 discovery, subpoena, or other means of legal compulsion for
38 18 their release until opened for public inspection by the
38 19 bureau, or upon the consent of the bureau, or until a court of
38 20 competent jurisdiction determines, after notice to the bureau
38 21 and hearing, that the bureau will not be unnecessarily
38 22 hindered in accomplishing the purposes of this chapter by
38 23 their opening for public inspection. However, investigative
38 24 information in the possession of the bureau may be disclosed,
38 25 in the commissioner's discretion, to appropriate licensing
38 26 authorities within this state, another state or the District
38 27 of Columbia, or a territory or country in which a licensee is
38 28 licensed or has applied for a license.

38 29 Sec. 67. Section 515.103, subsection 6, paragraph b, Code
38 30 Supplement 2007, is amended to read as follows:

38 31 b. Information filed with the commissioner of insurance
38 32 pursuant to this subsection shall be considered a confidential
38 33 record and be recognized ~~and protected~~ as a trade secret
38 34 pursuant to section 22.7, subsection 3.

38 35 Sec. 68. Section 523A.204, subsection 3, Code Supplement
39 1 2007, is amended to read as follows:

39 2 3. All records maintained by the commissioner under this
39 3 section shall be ~~confidential~~ optional public records pursuant
39 4 to section 22.7, subsection 58, and shall not be made
39 5 available for inspection or copying except upon the approval
39 6 of the commissioner or the attorney general.

39 7 Sec. 69. Section 523A.502A, subsection 2, Code Supplement
39 8 2007, is amended to read as follows:

39 9 2. All records maintained by the commissioner under this
39 10 section shall be ~~confidential~~ optional public records pursuant
39 11 to section 22.7, subsection 58, and shall not be made
39 12 available for inspection or copying except upon the approval
39 13 of the commissioner or the attorney general.

39 14 Sec. 70. Section 523C.23, subsection 1, paragraph c,
39 15 unnumbered paragraph 1, Code 2007, is amended to read as
39 16 follows:

39 17 Information obtained in the course of an investigation ~~is~~
39 18 ~~confidential~~ shall be treated as an optional public record as

39 19 provided in section 22.7. However, upon a determination that
39 20 disclosure of the information is necessary or appropriate in
39 21 the public interest or for the protection of consumers, the
39 22 commissioner may do any of the following:

39 23 Sec. 71. Section 556.24A, subsection 2, Code Supplement
39 24 2007, is amended to read as follows:

39 25 2. Notwithstanding any other provision of law, any other
39 26 identifying information set forth in any report, record,
39 27 claim, or other document submitted to the treasurer of state
39 28 pursuant to this chapter concerning unclaimed or abandoned
39 29 property ~~is a confidential~~ shall be treated as an optional
39 30 public record as provided in section 22.7 and shall be made
39 31 available for public examination or copying only in the
39 32 discretion of the treasurer.

39 33 Sec. 72. Section 692.8A, subsection 4, Code Supplement
39 34 2007, is amended to read as follows:

39 35 4. An intelligence assessment and intelligence data shall
40 1 be deemed a confidential record of the department ~~under~~
40 2 ~~section 22.7, subsection 55,~~ except as otherwise provided in
40 3 this subsection. This section shall not be construed to
40 4 prohibit the dissemination of an intelligence assessment to
40 5 any agency or organization if necessary for carrying out the
40 6 official duties of the agency or organization, or to a person
40 7 if disseminated for an official purpose, and to a person if
40 8 necessary to protect a person or property from a threat of
40 9 imminent serious harm. This section shall also not be
40 10 construed to prohibit the department from disseminating a
40 11 public health and safety threat advisory or alert by press
40 12 release or other method of public communication.

40 13 Sec. 73. Section 692A.13, subsection 8, Code 2007, is
40 14 amended to read as follows:

40 15 8. Sex offender registry records are confidential records
40 16 ~~pursuant to section 22.7~~ and shall only be released as
40 17 provided in this section.

40 18 Sec. 74. Section 708.2B, unnumbered paragraph 2, Code
40 19 2007, is amended to read as follows:

40 20 District departments or contract service providers shall
40 21 receive upon request peace officers' investigative reports
40 22 regarding persons participating in programs under this
40 23 section. The receipt of reports under this section shall not
40 24 waive the confidentiality of the reports ~~under section 22.7.~~

40 25 Sec. 75. Section 716.6B, subsection 1, paragraph a, Code
40 26 2007, is amended to read as follows:

40 27 a. An aggravated misdemeanor if computer data is accessed
40 28 that contains ~~a confidential~~ an optional public record, as
40 29 defined in section 22.7, operational or support data of a
40 30 public utility, as defined in section 476.1, operational or
40 31 support data of a rural water district incorporated pursuant
40 32 to chapter 357A or 504, operational or support data of a
40 33 municipal utility organized pursuant to chapter 388 or 389,
40 34 operational or support data of a public airport, or a trade
40 35 secret, as defined in section 550.2.

41 1 Sec. 76. Section 907.4, Code 2007, is amended to read as
41 2 follows:

41 3 907.4 DEFERRED JUDGMENT DOCKET.

41 4 A deferment of judgment under section 907.3 shall be
41 5 entered promptly by the clerk of the district court, or the
41 6 clerk's designee, into the deferred judgment database of the
41 7 state, which shall serve as the deferred judgment docket. The
41 8 docket shall contain a permanent record of the deferred
41 9 judgment including the name and date of birth of the
41 10 defendant, the district court docket number, the nature of the
41 11 offense, and the date of the deferred judgment. Before
41 12 granting deferred judgment in any case, the court shall search
41 13 the deferred judgment docket and shall consider any prior
41 14 record of a deferred judgment against the defendant. The
41 15 permanent record provided for in this section is ~~a~~

41 16 ~~confidential~~ an optional public record exempted from public
41 17 access under section 22.7 and shall be available only to
41 18 justices of the supreme court, judges of the court of appeals,
41 19 district judges, district associate judges, judicial
41 20 magistrates, clerks of the district court, judicial district
41 21 departments of correctional services, county attorneys, and
41 22 the department of corrections requesting information pursuant
41 23 to this section, or the designee of a justice, judge,
41 24 magistrate, clerk, judicial district department of
41 25 correctional services, or county attorney, or department.

41 26 Sec. 77. Section 915.90, unnumbered paragraph 1, Code
41 27 2007, is amended to read as follows:

41 28 A person in possession or control of investigative or other
41 29 information pertaining to an alleged crime or a victim filing

41 30 for compensation shall allow the inspection and reproduction
41 31 of the information by the department upon the request of the
41 32 department, to be used only in the administration and
41 33 enforcement of the crime victim compensation program.
41 34 Information and records which are ~~confidential~~ optional public
41 35 records under section 22.7 and information or records received
42 1 from the ~~confidential~~ such information or records remain
42 2 confidential under this section.
42 3 Sec. 78. Section 22.6, Code 2007, is repealed.
42 4 Sec. 79. EFFECTIVE DATE. Except for the sections of this
42 5 Act establishing transition provisions for the Iowa public
42 6 information board and making an appropriation for the initial
42 7 expenses of the Iowa public information board, this Act takes
42 8 effect July 1, 2009.
42 9 Sec. 80. IOWA PUBLIC INFORMATION BOARD == TRANSITION
42 10 PROVISIONS.
42 11 1. The initial members of the Iowa public information
42 12 board established pursuant to this Act shall be appointed by
42 13 September 1, 2008.
42 14 2. Notwithstanding any provision of this Act to the
42 15 contrary, the director of the board and employees of the board
42 16 shall not be hired prior to July 1, 2009.
42 17 3. Prior to July 1, 2009, the board shall submit a report
42 18 to the governor and the general assembly. The report shall
42 19 include a job description for the executive director of the
42 20 board, goals for board operations, and performance measures to
42 21 measure achievement of the board's goals.
42 22 Sec. 81. APPROPRIATION == IOWA PUBLIC INFORMATION BOARD.
42 23 There is appropriated from the general fund of the state to
42 24 the department of management for the fiscal year beginning
42 25 July 1, 2008, and ending June 30, 2009, the following amount,
42 26 or so much thereof as is necessary, to be used for the
42 27 following purpose:
42 28 For the initial expenses of the Iowa public information
42 29 board as established in this Act:
42 30 \$ 6,000
42 31 SF 2411
42 32 rh/ml/12